

243.156 Business authorized by farm winery license -- Off-premise retail sales outlet in wet territory -- Use of Kentucky products -- Other permitted licenses.

- (1) A farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses:
 - (a) Manufacture wines and bottle wines at a winery located on a Kentucky farm with a producing vineyard, orchard, or similar growing area, in an amount not to exceed twenty-five thousand (25,000) gallons in one (1) year;
 - (b) Serve on the premises or at an off-premise retail site complimentary samples of wine produced by it in amounts not to exceed four (4) ounces per patron per day, if the farm winery or off-premise retail site is located in wet territory;
 - (c) Sell wine produced on the premises of the farm winery or produced by a licensed small winery by the drink or by the package at retail to consumers, if the farm winery or off-premise retail site is located in wet territory and the wine produced by the small winery is made with Kentucky products;
 - (d) Sell and transport wine produced on the premises of the farm winery to wholesale liquor license holders and to retail package or retail drink license holders, if the wine has been offered for sale to wholesale license holders and the wine is sold at the wholesale price to the retail package or retail drink license holders;
 - (e) Serve complimentary samples or sell wine produced on the premises of the farm winery at another farm winery or small winery sales site, if the other farm winery or small winery sales site is located in wet territory;
 - (f) Consume on the premises wine produced by the farm winery or a small winery and purchased by the drink or by the package at the licensed premises, if the farm winery is located in wet territory;
 - (g) Sell by the drink or by the package wine produced by the farm winery or a licensed small winery at a fair, festival, or other similar type of event, if the event is held in a wet territory; and
 - (h) Ship to a customer wine produced by a farm winery or a small winery if:
 1. The wine is purchased by the customer in person at the farm winery;
 2. The wine is shipped by licensed common carrier; and
 3. The amount of wine shipped is limited to two (2) cases per customer.
- (2) A licensed farm winery may establish one (1) off-premise retail sales outlet, if it is located in wet territory.
- (3) All of the fresh fruits, fruit juices, or honey used to manufacture wine at a farm winery shall be grown or produced in the Commonwealth of Kentucky.
- (4) If a licensed farm winery is located in a dry territory, KRS 242.230 to 242.430 shall apply, unless a local option election is held in accordance with the provisions of this subsection. A limited sale precinct election may be held in a precinct containing a licensed farm winery in a dry territory. The election shall be held in the same manner as prescribed by KRS 242.010 to 242.040 and 242.060 to 242.120. The proposition to be voted on shall state, "Are you in favor of the sale of wine at the (name of the

licensed farm winery or wineries)?" If the proposition is approved, a farm winery within the precinct may sell wine in accordance with subsection (1) of this section.

- (5) Other provisions of this chapter and KRS Chapter 244 notwithstanding, a farm winery license holder may also hold a restaurant wine license and a retail malt beverage license, provided the issuance of these licenses is in connection with the establishment and operation of a restaurant, hotel, inn, bed and breakfast, conference center, or any similar business enterprise the purpose of which is to promote viticulture, enology, and tourism.
- (6) This section shall not exempt the holder of a farm winery license from the provisions of KRS Chapters 241, 242, 243, and 244, nor from administrative regulations of the board, except as expressly stated in this section.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 167, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 121, sec. 12, effective July 15, 1998; and ch. 357, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 148, sec. 2, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 451, sec. 2, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 54, sec. 1, effective July 13, 1990.